

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: THOMAS FRANCIS SCOTT, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Thomas Francis Scott, M.D. ("Dr. Scott") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-1, *et seq.*:

FINDINGS OF FACT

1. Dr. Scott currently holds an active license to practice medicine in the State of West Virginia, issued originally in 1961, and his address of record is in Huntington, West Virginia.
2. Dr. Scott's license to practice medicine is identified as License No. 08379.
3. On July 9, 2009, the Board received a complaint from a patient of Dr. Scott alleging inappropriate contact with and advances upon the patient by Dr. Scott. The Complaint Committee ("Committee") of the Board began an investigation into the allegations.
4. Dr. Scott appeared before the Committee for an informal meeting on March 7, 2010.

5. After a full investigation of the matter, it has been determined that in order for Dr. Scott to continue to hold an active, unrestricted license to practice medicine in West Virginia, without conditions and limitations placed thereon, could adversely affect the health and welfare of a patient and/or the public.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to file charges against Dr. Scott pursuant to provisions of West Virginia Code §30-3-14(c)(8) and (17) and 11 CSR 1A 12.1(e) and (r) and 12.2(d), and the American Medical Association's ("AMA") Code of Medical Ethics Opinion 8.14, all related to exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity and unprofessional conduct.

3. It is appropriate to waive the commencement of proceedings against Dr. Scott and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that conditions and limitations are placed upon Dr. Scott's license to practice medicine and surgery in the State of West Virginia.

CONSENT

Thomas Francis Scott, M.D., by affixing his signature hereon, agrees solely and exclusively for the purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Scott acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Scott acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, the right to cross-examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Dr. Scott waives all such rights;

4. Dr. Scott consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Scott understands that this Order is considered public information, and that matters contained herein shall be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and the foregoing consent of Dr. Scott, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Scott is hereby **PUBLICLY REPRIMANDED** for his conduct of exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity.

2. Within six (6) months of entry of this Order, Dr. Scott will, at his own expense, attend and successfully complete a Board approved Continuing Medical Education ethics course, which ethics course shall include boundary issues with patients, and shall document his successful completion to the Board.

3. Dr. Scott will comply with all provisions of the West Virginia Medical Practice Act and the rules established thereunder.


4. Dr. Scott will not engage, or attempt to engage, in a sexual and/or romantic relationship with any patient.

5. Within ten (10) days of entry of this Consent Order, Dr. Scott shall provide a copy of this Consent Order to any health care facility where he is employed, where he works, or enjoys privileges of any kind.

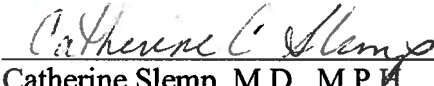
6. The failure of Dr. Scott to comply with the terms of this Consent Order shall constitute grounds for further discipline of his license to practice medicine and surgery in the State of West Virginia.

The foregoing was entered this 1st day of April, 2010.

WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.,
President



Catherine Slemmons, M.D., M.P.H.
Secretary

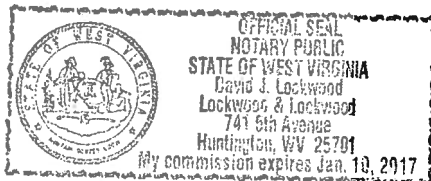
Thomas F Scott
Thomas Francis Scott, M.D.
Date: 3-24-10

STATE OF West Virginia
COUNTY OF Cabell, to wit:

I, David J. Lockwood, a Notary Public for said county and state
do hereby certify that Thomas Francis Scott, M.D., whose name is signed above, has this day
acknowledged the same before me.

Given under my hand this 23rd day of March, 2010.

My commission expires 1/10/17.



David J. Lockwood
Notary Public